

2004 Constitutional Amendments

The following amendments to the State Constitution are submitted to the voters by the Legislature. The amendments will not become effective unless approved by majority vote.

Constitutional Amendment A – General Election

Constitutional Amendment A

Title: An amendment to Article V, section 7 of the South Dakota Constitution, providing for the merit selection of circuit court judges.

Attorney General Explanation

Under the Constitution, circuit court judges are elected on a non-political ballot for eight year terms. The Governor appoints judges to fill vacancies for the balance of unexpired terms. Nominees for vacancies are selected by the judicial qualifications commission.

Amendment A would change the Constitution by establishing an appointment and retention election procedure. New judges would be appointed by the Governor from nominees selected by the judicial qualifications commission. Judges would be subject to a retention election on a non-political ballot three years after appointment, and every eight years after that, by the voters of the circuit the judge represents.

A vote “Yes” will change the Constitution.

A vote “No” will leave the Constitution as it is.

Constitutional Amendment B – General Election

Constitutional Amendment B

Title: An amendment to Article VIII, section 20 of the South Dakota Constitution to authorize the provision of certain services to all children of school age.

Attorney General Explanation

The Constitution generally prohibits the Legislature from giving state money or property to sectarian schools. However, the Constitution allows the Legislature to authorize the loan of nonsectarian textbooks to children of school age, including those attending sectarian schools.

Amendment B, if adopted, would change the Constitution to also allow the Legislature to authorize participation in food and transportation services for children of school age, including those attending sectarian schools.

A vote “Yes” will change the Constitution.

A vote “No” will leave the Constitution as it is.

Initiated Measure

The following initiated measure was proposed by petition for submission to the voters. This initiated measure will not become effective unless approved by majority vote.

Initiated Measure I

Title: An act to exempt food from sales and use taxes.

Attorney General Explanation

The state collects a sales and use tax on the sale of food. Many cities and towns also collect a municipal sales and use tax on the sale of food.

Initiated Measure 1, if adopted, would exempt food from state and municipal sales and use taxes, and eliminate this source of revenue.

A vote “Yes” will change state law.

A vote “No” will leave state law as it is.